1946 **File No.** 1078

Reconstruction **DEPARTMENT**

D **BRANCH**

Subject:— Subsistence Allowance.
Pay. of R. Nagimbal, Rural
Constable & Inspector in
Bargaon District.
Grant of -to,

B Class

K

CLOSED
RECORD

P6
C

K - B class

File No. 107

Std. Scott. Slip 24-B

G. R., G. D., No. 2408, dated 22-6-22.]

DOCKET SHEET (B)

Subject:— Subsistence Allowance.
Mr. Nagimal. Rural Development Inspector in Belgaum Dist
Grant of — to,

File No. 107

Reconstruction **DEPT.**

D **BRANCH.**

References:—

Date.	To whom sent.	Notes and instructions.
23/10/22	Ry	Memo letter with 3 spare copies. WJP 30/10

Subject:- Subsistance allowance -- Grant of -- to Mr. Neginhal, R.D.I. in Belgaum district.

No.E.S.T. Belgaum, 2.** August 1946.

To

The Commissioner, S.D., Belgaum.

Mr. A.R. Neginhal, R.D.I. was suspended from service with effect from ~~service~~ 28-2-1942 pending enquiry into the alleged misappropriation of funds and falsification of accounts of the Rural Development Board, Belgaum. Subsistance allowance of -- -- Rs. 50/- p.m. from the date of ~~this~~ his suspension i.e. 28-2-1942 to the date of conviction (4-3-1943) was sanctioned under this office No. V.L.T.74 dated 22-10-1945. The subsistance allowance can be paid even if one is convicted. (vide note I under rule 151 of B.C.S.R. Vol. I). But, I may please be informed whether the payment of subsistance allowance in ~~xxxx~~ such cases is compulsory or is only discretionary, since there are no definite orders on the point.

Collector of Belgaum.

A/20-8

1753/33-C

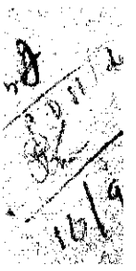
No. V.L:T.-129.
Office of the Commissioner S.D.
Belgaum, 12th September 1946.

Submitted for favour of orders.

Commissioner S.D.

Finance Department

FINANCE DEPARTMENT
File No. 1753/33 C
16/9/46
Docket No 29075



As Mr. Neginhal was Rural Development offi
under the administrative control of the R.C.D., it would be for that Department to issue orders in this case. However, the following remarks are offered before the papers are passed on to the R.C.D.

2. The Collector desires to know whether payment of subsistence allowance under note 1 below B.C.S.R.151 to a suspended Govt. servant who is convicted in a criminal court, is compulsory or discretionary. A similar question was raised in A.G.'s letter, No. D.A. IV. SD/536, dated 19-5-36. On that case, the then D.S. (Mr. Santos) had remarked, "The use of the words " if he is not dismissed " seems to indicate that the proceedings mentioned in B.C.S.R.156, are departmental proceedings and not criminal proceedings. If this view is accepted, then the Govt servant is under the rules entitled to subsistence grant until the termination of the departmental proceedings against him. Neither does it seem desirable to alter this position by prescribing that the subsistence grant should cease immediately on a Govt.servant's conviction for debt or on a criminal charge, particularly if there is a possibility of cases occuring in which, even though a Govt. servant is committed to prison either for deot or on a criminal charge, he may not necessarily have to be dismissed." The P.L.A. to whom the papers were referred remarked " The proceedings referred to are departmental proceedings & not any court proceedings." It, therefore, follows that payment of subsistence allowance to a suspended Govt. servant would be compulsory even during the period from the date of his conviction in the court till the date on which orders dismissing him are passed after conclusion of the departmental proceedings. As stated in para 2 of G.R., F.D. No. 1753/33, dated 6-8-36, and para 4 of G.R.

G.R.F.D., No. 1753/33, dated 12-4-39, the departmental proceedings should, however, be concluded expeditiously and orders of dismissal passed after the case is decided in the first court as soon as possible, on the basis of the facts which have led to a Govt. servant's conviction in a criminal court.

3. The papers may be transfered to the R.C.D. after keeping copies for record in this Department.

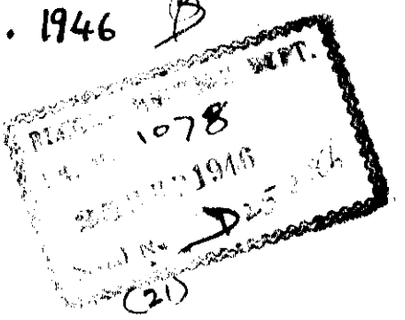
D/51
Copy below

done
24/9

23.9.46

23/9/46

U.O.N. to the R.C.D., dt. 24th Sept. 1946



RCD

File No 55/39 containing G.R.F.D. No 1753/39 dated 12/4/39 required for disposal of this case has been issued to RD and is understood to have been returned to Hon. as disp. of that Deptt case. The return of the file may be awaited

3/10/46

4-10-46
Supdt.

Regd.
R. dated
R.C.D.
24/9

Copies of C.C.
23/9

Reconstruction Department.

The appended letter based on the view expressed by the F.D. in its foregoing note on the point raised by the Collr. of Belgaum ~~on~~ reg. the grant of subsistance allowance to a Government servant convicted in a criminal court, is put up for approval.

18/10/41

DAL 27/10

~~U.S.~~

DAL. Jt. Secy. Mr Neginhal was convicted in the criminal court on 4.3.1943 i.e. over 3½ years ago. Since his conviction, no departmental proceeding appears to have been taken in his case and, as a result, Govt is involved in the payment of subsistence allowance over a quite unnecessarily long period. The Collector should be asked to take action in accordance with the instructions of Govt in para 2 of F.D. Circular No 1753/33, dated 12.4.39. Cultivation as amended may issue

29/10. LM

DAL 29/10

Letter.

To

The Collr. of Belgaum.

No. 1078/25 wt D Bombay, 30 Oct. 1946

Refce. your letter No. E.S.T., dated 21-8-46. reg. grant of subsistence allowance under Note I below B.C.S.Rs. 151 to a suspende Govt. servant who is convicted in a criminal court..

The proceedings mentioned in B.C.S.Rs. 156 ~~indicate to~~ refer to the departmental proceedings and not criminal proceedings. ~~In view of the~~ According payment of subsistence allowance to a suspended Govt. servant would be compulsory ~~upon~~ during the period from the date of his conviction in the court till the date on which orders dismissing him are passed after conclusion of the departmental proceedings. Your attention is however requested to para. 2 of G.R., F.D., No.1753/33, dated 6-8-36 and para. 4 of G.R., F.D., No.1753/33, dated 12-4-39 in which Govt. has directed that departmental proceedings against a Govt. servant should be concluded expeditiously and order of dismissal passed after the case is decided in the first court as soon as possible, on the basis of the facts which have led to a Govt. servant's conviction in a criminal court. and you are requested to dispose of the case at an early date.

By order etc.

Secy. to Govt.

Copy to S.D. (w.r. to his memo. No.V.L.T.-129 dated 12-9-46)

ISSUED

DJM. 18/10